

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 Tony Roberts,

12 Plaintiff,

13 v.

14 J. Beard et al.,

15 Defendants.  
16

Case No: 15cv1044-WQH-(RBM)

**ORDER DENYING JOINT MOTION  
TO CONTINUE THE EVIDENTIARY  
HEARING (Doc. 146.)**

17  
18 Before the Court is a Joint Motion to Continue the Evidentiary Hearing for  
19 Thirty Days. (Doc. 146.) The Joint Motion lists the following reasons why the parties  
20 would like to move the evidentiary hearing date:  
21

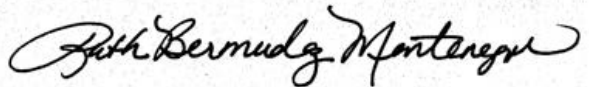
- 22 1. to allow the Court an opportunity to rule on Plaintiff's motion to appoint  
23 counsel;  
24  
25 2. to allow the parties to meet and confer prior to the evidentiary hearing;  
26  
27 3. to allow the Court an opportunity to rule on motions for witnesses; and  
28

1 4. to allow the CDCR to receive the transportation order so that Plaintiff can be  
2 present at the evidentiary hearing.  
3

4 The Court does not find that any of these reasons are sufficient to justify  
5 continuing the evidentiary hearing. The Court has already denied Plaintiff's motion to  
6 appoint counsel and will rule on Plaintiff's motions to compel witnesses at the  
7 November 14, 2018 telephonic hearing. Moreover, the parties have met and conferred  
8 once over the evidentiary hearing and have plenty of time to do so again before the  
9 evidentiary hearing to be held on November 28, 2018. Finally, the CDCR will receive  
10 the transportation order in a timely manner. The joint motion to continue the  
11 evidentiary hearing is denied.  
12  
13  
14

15 IT IS SO ORDERED.  
16

17 DATE: October 26, 2018  
18

19   
20

21 Hon. Ruth Bermudez Montenegro  
22 United States Magistrate Judge  
23  
24  
25  
26  
27  
28